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**REISSUE APPLICATION: CONSENT OF ASSIGNEE;  
STATEMENT OF NON-ASSIGNMENT**

Docket Number 038867/240561

This is part of the application for a reissue patent based on the original patent identified below.

Name of Patentee(s): John M. Fenderson, William B. O'Neal, Théo Quaghebeur, Karl-Christoph Schumm, Walter Van Loocke	
Patent Number: 5,990,046	Date Patent Issued: November 23, 1999
Title of Invention: HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID AND DIKETONE OR TRIKETONE HERBICIDES	

- ☒ Filed herein is a statement under 37 CFR 3.73(b).
- ☐ Ownership of the patent is in the inventor(s), and no assignment of the patent is in effect.

One of boxes 1 or 2 above must be checked. If multiple assignees, complete this form for each assignee. If box 2 is checked, skip the next entry and go directly to "Name of Assignee."  
The written consent of all assignees and inventors owning an undivided interest in the original patent is included in this application for reissue.

The assignee(s) owning an undivided interest in said original patent is/are BASF AG and the assignee(s) consents to the filing of Reissue Application No. 09/990,570, filed November 21, 2001 for the reissue of U.S. Patent No. 5,990,046.

Name of Assignee/Inventor (if not assigned) BASF AG

Signature

ppa. Karg i.V. Heistracher

Typed or printed name

ppa. Karg

i.V. Heistracher

Director, Patents,  
Trademarks & Licensing

Senior Counsel,  
Intellectual Property

Title of Officer Signing on Behalf of Assignee:

Date

August 23, 2002

RTA01/2120851 v1

Attorney's Docket No. 038867/240561

Patent Owner: BASF AG

Issue Date: November 23, 1999

Patent No.: 5,990,046

Entitled: HERBICIDAL COMPOSITIONS  
COMPRISING DIMETHENAMID AND  
DIKETONE OR TRIKETONE HERBICIDES

**STATEMENT UNDER 37 CFR 3.73(b)**

BASF AG, a German Corporation, states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel , Frame , or for which a copy thereof is attached.
- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: John M. Fenderson, William B. O'Neal, Théo Quaghebeur, Karl-Christoph Schumm, Walter Van Loocke To: Sandoz Ltd.  
The Assignment was recorded in the Patent and Trademark Office on July 8, 1994, at Reel 07062, Frame 0112.
2. From: Sandoz Ltd. To: Novartis AG  
The Certificate of Merger was recorded in the Patent and Trademark Office on October 26, 2000, at Reel 011058, Frames 0971-0975.
3. From: Novartis AG To: BASF AG  
The Assignment was recorded in the Patent and Trademark Office on November 23, 2001, at Reel 012312, Frame 0798.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☐ Copies of assignments or other documents in the chain of title are attached.

The undersigned is empowered to sign this statement on behalf of the assignee.


BASF AG

August 23, 2002  
Date

  
Signature

ppa. Karg

Typed or printed name  
Director, Patents,  
Trademarks & Licensing  
Title



i.v. Heistracher

Senior Counsel,  
Intellectual Property



COPY OF PAPERS  
ORIGINALLY FILED

Docket Number 38867.240561

### REISSUE APPLICATION DECLARATION BY THE INVENTOR

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 5,990,046, granted November 23, 1999, and for which a reissue patent is sought on the invention entitled HERBICIDAL COMPOSITIONS COMPRISING DIMETHENAMID the specification of which

- ☐ is attached hereto.
- ☒ was filed on November 21, 2001 as reissue application number 09/990,570.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
- ☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
- ☐ by reason of other errors.

At least one error upon which reissue is based is described as follows:

The issued patent 5,990,046 is partly inoperative because Applicants claimed less than they had a right to claim, thereby jeopardizing the complete scope of protection available for the invention as originally disclosed and described in the patent. For example, in issued Claims 2 and 6, Applicants claimed less than they had a right to claim by claiming the combination of dimethenamid, a triketone or dione herbicide and a triazine herbicide without including claims to the combination of dimethenamid and either a triketone or dione herbicide or a triazine herbicide. In addition, Applicants claimed less than they had a right to claim by claiming the weight ratio in Claim 1 and the application rate in Claim 3. In contrast to the issued claims, the newly presented claims correct this error by claiming the combination of dimethenamid and a second herbicide selected from the group consisting of a triketone or dione herbicide and a triazine herbicide and by not requiring a particular weight ratio or application rate.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and direct that all correspondence be addressed to that Customer Number.

**Customer Number 00826**

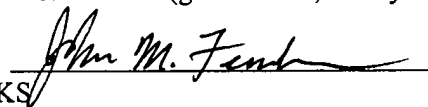
Please direct telephone calls to the attention of:

Andrew T. Meunier  
Registration No. 40,726  
Tel Atlanta Office (404) 881-7000  
Fax Atlanta Office (404) 881-7777

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name) John M. Fenderson

Inventor's signature



Date 3/7/02

Residence Kiowa, KS

Citizenship United States

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Kiowa, KS 67070

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**Customer Number 00826**

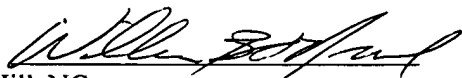
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Full name of second joint inventor (given name, family name) William B. O'Neal

Inventor's Signature



Date

2/19/2002

Residence Chapel Hill, NC

Citizenship United States

Mailing Address 102 Bay View Drive  
Chapel Hill, NC 27516

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Full name of third joint inventor (given name, family name) Théo Quaghebeur

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Saint-Symphorien, Belgium  
Citizenship Belgium  
Mailing Address Rue Haute Folie, 92  
7062 Naast  
Belgium

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Full name of fourth joint inventor (given name, family name) Karl-Christoph Schumm

Inventor's Signature

Date

22 - 3 - 02

Residence Campinas, Brazil

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**Customer Number 00826**

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Full name of fifth joint inventor (given name, family name) Walter Van Loocke

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
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Citizenship Belgium  
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